



STATE REPRESENTATIVE
JOSEPH PARISI

WISCONSIN STATE ASSEMBLY

48th DISTRICT

TO: Assembly Committee on Urban and Local Affairs
FROM: Representative Joe Parisi
RE: Testimony in Favor of AB 349
DATE: August 25, 2009

Thank you Chairperson Berceau for scheduling a hearing on this legislation. I appreciate the opportunity to express my support for this common sense bill that protects individual privacy.

AB 349 provides a reasonable privacy protection for citizens who are legitimately concerned about their personal addresses being made available to the general public. The bill simply would not allow local government internet tax assessment databases to have a search by last name function on their webpage that is available to the general public. AB 349 does create an exception for subscribers to a website server who have access the website through a subscription portal (such as real estate agents) to search by last name.

The purpose of this bill is simple: to protect the privacy of vulnerable citizens, such as victims of domestic violence or stalking, for whom personal privacy is not a matter of mere convenience. This bill would also protect the privacy of people employed in certain professions, such as law enforcement officers or judges, who have a legitimate interest in keeping their personal addresses confidential.

AB 349 is especially relevant for cases where a victim of domestic violence has decided to take the courageous step of leaving an abuser. Many abusers escalate violence when a victim tries to escape, and abusers are growing more adept at using internet databases to track down their victims. This period of time is one of the most dangerous times for any victim. AB 349 will help increase safety during this critical period for victims by putting up another roadblock to an abuser.

Victims and victim advocates simply cannot account for all the ways a victim's information could be accessible. This bill will help victims by addressing a key safety issue with a clear, uniform, statewide policy to keep a victim's information private.

In anticipation of some of the criticisms that this bill will inevitably receive, I would also like to focus on what this bill does not do. It does not prohibit public access to tax assessment records. Rather, it simply puts a reasonable limit on how a local government can make available a search by last name function on its website.

In fact, the language of the bill was crafted after talks with representatives from the Wisconsin Land Information Association and modifications were made to the bill to address their concerns. AB 349 would maintain the ability of realtors and others



STATE REPRESENTATIVE
JOSEPH PARISI

WISCONSIN STATE ASSEMBLY

48th DISTRICT

interested in tax assessment information to search by address in order to obtain information about a property. It would retain the ability of any individual to go to a local county or city office in person to request information by the name of the property owner—it simply takes the search by name function offline so abusers cannot anonymously seek information about their victims' whereabouts. It also would allow local governments to provide members of the public with subscription access to the search by last name function however the local government sees fit.

Wisconsin has a long and proud tradition of ensuring that public records are open to the public. Our state has also wisely recognized that there is, in limited circumstances, a need to balance the public's right to unfettered access to public records with the legitimate privacy concerns of vulnerable citizens. A good example of a reasonable policy exception to the general rule of publicly available records is 2005 Wisconsin Act 278, which allows victims of domestic violence, sexual assault and stalking to have a confidential voter listing.

AB 349 is consistent with Wisconsin's longstanding commitment to open records. At most, this legislation creates a minor inconvenience to local governments in administering their tax assessment websites or to individuals who may have to subscribe to a website in order to perform a search by name. The minimal burden that this bill places on local government and the general public seems well worth the price in comparison to the compelling interest of a victim of domestic violence whose life may literally depend on keeping her personal address confidential.

I ask that you please join me in supporting this legislation. Thank you.



Wisconsin Coalition Against Sexual Assault, Inc.

600 Williamson St., Suite N2 • Madison, Wisconsin • 53703
Voice/TTY (608) 257-1516 • Fax (608) 257-2150 • www.wcasa.org



TO: Assembly Committee on Urban and Local Affairs
FROM: Tony Gibart, Policy Consultant
RE: Support for Assembly Bill 349
DATE: August 25, 2009

My name is Tony Gibart and I am the Policy Consultant for the Wisconsin Coalition Against Sexual Assault (WCASA). Thank you Chairperson Berceau and members of the Committee for allowing me to testify in support of Assembly Bill 349. AB 349 would help prevent perpetrators of stalking, sexual assault and domestic violence from having instant access to the addresses of their victims or potential victims.

Perpetrators of sexual assault, stalking and domestic violence often use physical or sexual violence to terrorize victims to assert power and control over their lives.¹ Many survivors of these crimes are only able to regain control over their lives and end the cycle of abuse by relocating.² A survivor shows tremendous courage and strength—during what is probably the most trying period of her or his life—by making the decision to move away from an abuser.

Victims have a legitimate right to expect that the government will not make locating information available at the click of a mouse. The process of fleeing an abuser, while many times traumatic and painful itself, allows survivors an opportunity to heal. This can be especially critical in the context of sexual assault: more than 75% of sexual assault victims know the offender.³ Moving gives a survivor the peace of mind that she can control who knows the location of her residence. Control of locating information provides the survivor some assurance of security and a transition from a period of powerless to a sense of empowerment.

WCASA believes that AB 349 strikes a fair balance between a private citizen's right to security in her home and public access of property records. Under the bill, Wisconsin counties could not provide a "search by name" function for internet listings of property tax records available to the general public. Many counties around Wisconsin and nationwide already have taken this step.⁴ Almost all legitimate property record inquiries from the general public can be satisfied by an address or property ID number search. If a citizen requires a search of records by name, he or she can access the on-site records. The bill would also allow counties to designate professionals to have access to a restricted "search by name" internet function. This is current practice in some Wisconsin counties. AB 349 represents a common-sense policy that will help prevent the misuse of public records, while maintaining easy access for legitimate inquiries.

On behalf of WCASA and its members across the state, I urge you to support AB 349. AB 349 will protect victims of abuse and preserve the safety, security and new life for which they have dearly fought.

¹ 81 percent of women who were stalked by a partner were physically assaulted by that partner and 31 percent were also sexually assaulted by that partner. Tjaden & Thoennes. (1998). "Stalking in America," NIJ.

² 11% of stalking victims relocate. Id.

³ U.S. Department of Justice, Bureau of Justice Statistics. December, 2006.

⁴ For example, of the counties represented by members of the committee, Dane, Dodge, Fond du Lac, Kenosha, Ozaukee, Racine Sheboygan, Washington and Waukesha, have all taken identical or similar precautions, often in response to citizen privacy concerns.

Testimony



307 South Paterson Street, Suite 1
Madison, Wisconsin 53703

Phone: (608) 255-0539 Fax: (608) 255-3560

To: Members of the Assembly Committee on Urban & Local Affairs

From: Tony Gibart, Policy Coordinator, WCADV, 608-255-0539, tonyg@wcadv.org

Date: August 25, 2009

Re: Testimony in support of AB 349

My name is Tony Gibart, and I am the Policy Coordinator for the Wisconsin Coalition Against Domestic Violence (WCADV). Thank you Chairperson Berceau and members of the Committee for allowing me to testify in support of Assembly Bill 349. AB 349 would help prevent perpetrators of stalking, sexual assault and domestic violence from having instant access to the addresses of their victims or potential victims.

Victims who escape their abusers face a vast array of complex and urgent issues: how to find a new home, how to keep their children safe, how to safely extricate belongings from a shared household, ongoing legal actions, such as obtaining a restraining order or dealing with criminal charges, and psychological and physical wounds that affect daily life for years after the abuse.

Many abusers escalate violence when a victim tries to escape, and these abusers are growing more adept at using internet databases to track down their victims. AB 349 will help increase safety during this critical period for victims by putting up another roadblock to an abuser. Given the tragically high rate of domestic violence homicides, it is not an exaggeration to say that this bill could even save lives by making the locations of victims' homes less accessible.

Commonsense safeguards will not just protect individual victims. They will also lower the risk of violent incidents at Wisconsin's domestic violence shelters. Many shelters have confidential locations to prevent abusers from harming or harassing residents. One such shelter, Family Services of Southern Wisconsin and Northern Illinois, in Beloit, was recently told by the City that its name and address would be searchable on Beloit's tax records database. Family Services has gone to great lengths to maintain a confidential location and is deeply concerned that without action the safety of its residents will be put at unnecessary risk.

Lastly, part of WCADV's charge is to train local programs across the state to assist victims in creating safety plans. These plans are designed to minimize the risk of further abuse. The plans address a variety of issues, including working through ways to keep a victim's location and record private. However, our advocates' time with any individual victim is increasingly limited as we face funding cuts and an explosion of victims seeking help. They simply cannot account for all the ways a victim's information could be accessible. This bill will help victims and our advocates by addressing a key safety issue with a clear, uniform, statewide policy to keep a victim's information private.

I encourage you to vote in support of AB 349. Thank you for your time and consideration of my remarks.

Office of Juneau County Treasurer
Denise J. Giebel, Treasurer
220 East State Street, Room 112
Mauston, WI 53948
608-847-9308
August 25, 2009

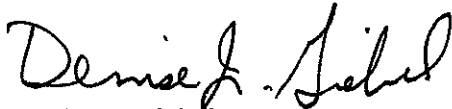
Urban and Local Affairs Committee

RE: AB 349, limiting the searchability of a governmental Internet listing of property taxes assessed.

Last year, Juneau County introduced our web portal that provides live property information, which includes searchability by name. I have had very positive feedback regarding the web portal. Many times, I have heard how this is a great time saver and a trip to town is no longer needed to search our records. These are comments from individuals and entities that serve the taxpayer.

The information that is provided on our web portal is not confidential. In government, we are always asked to do more with less and yet figure out how to best serve the taxpayer. Providing the search by name is an additional option that allows access to information that the public needs in a free and unlimited way. Searching by name offers efficiency in government that would otherwise tie up staff with inquiries of getting a parcel number for a property owner.

Thank you for your kind consideration



Denise J. Giebel
Juneau County Treasurer



PETER D. FOX
WNA Executive Director
Peter.Fox@WNAnews.com

WISCONSIN NEWSPAPER ASSOCIATION

...world's oldest press association, established 1853

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BRIAN THOMSEN
The Valders Journal

WNA Executive Director
PETER D. FOX

August 25, 2007

Representative Terese Berceau
Chair, Assembly Urban and Local Affairs
208 North, State Capitol
PO Box 8952
Madison, WI 53708-8952

Dear Chairperson Berceau and Members of the Committee:

On behalf of more than 230 weekly and daily newspaper members, thank you for the opportunity for the Wisconsin Newspaper Association to comment on 2009 Assembly Bill 349. While our members understand the concerns that are the genesis of this proposal, we oppose the bill for several reasons.

First, we believe that the proposal will be ineffective considering the vast array of other information sources which could provide the same information this bill would restrict from local government Web sites. For example, detailed city directories are prepared annually for a host of Wisconsin communities. One well-known supplier is Polk City Directories – some members of this committee may be aware of this long-standing reputable firm. With Polk products produced in CD-ROM, online and published volume formats, one can access this information from nearly anywhere.

Here is a description of the Madison and Dane County information available at the Madison public library: "Lists residents and businesses by name, street address and telephone number and also includes some demographic information. A CD-ROM *Polk City Directories Wisconsin plus upper peninsula* allows for the manipulation of data, for example, all of the female business owners on a street, in zip code or census tract."

Or, a person intent on developing information might consult another information source such as PublicRecordsNow.com. Responding to a search, in seconds this site returns information on Terese Lynn Berceau of a certain age who has a relative named Stuart Dean Levitan. For \$2.95 I would have received her name, addresses current and past, telephone numbers, date of birth and other relatives. For 10 bucks more, the site would have provided a property records search, marriage records search, and family court records, if any. And if I were really serious, for \$39.95 I could receive "decades" of address history, all known phone numbers, bankruptcies and liens and a host of other personal information.

The point is that the genie is out of the bottle in terms of restricting certain commonly used aspects of personal information.

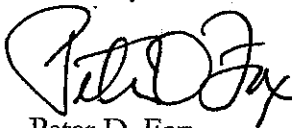
Second, this proposal gets us into the quite uncomfortable situation of "two sets of books" – that is, in effect two sets of public records – one available in its entirety simply by visiting the custodian and the second incomplete and on-line. The question then has to be asked, "Why bother with the incomplete data set particularly when the most common utility is removed?"

Third, for years the on-line searchability has been a useful tool for journalistic purposes used responsibly for years by reporters and editors. Disabling the "search-by-name" function would render the online data almost valueless for a variety of news-gathering and investigative reporting purposes.

As a final thought, we note that while the general public is excluded from accessing search-by-name functionality of a Web-based database, an aspect of this proposal would allow what is termed a "legitimate" business or individual subscriber to conduct such a by-name search. The premise then is that the identity of the requestor – whether the principal of a business or a private citizen – is somehow known and recorded. This is a very troubling aspect and is counter to the explicit provision in state law that a requestor is not required to provide either his name or his purpose in seeking the public record. In this regard, it is not clear exactly how the determination would be made of what portion of the general public should be excluded from this search functionality, and which business or individual subscriber is deemed trustworthy enough to use it.

In conclusion, while the Wisconsin Newspaper Association recognizes and appreciates the concern that brings this proposal forward, we do not believe the means justifies the desired benefit.

Sincerely,



Peter D. Fox
Executive Director
Wisconsin Newspaper Association

cc: WNA Board of Directors



Memorandum

To: Members, Assembly Urban and Local Affairs Committee
From: Tom Larson, Director of Regulatory and Legislative Affairs
Date: August 25, 2009
Re: AB 349 – Limiting the searchability of internet property tax listings

The Wisconsin REALTORS® Association supports the goal of protecting the personal privacy of property owners who do not wish to have their names revealed to the public, but opposes AB 349 for the following reasons:

- Accessibility to accurate property tax information is critical to real estate transactions – Prospective homebuyers, lenders and REALTORS® rely heavily on the Internet to obtain accurate property tax information related to prospective home purchases. Internet searchability of property tax information provides prospective buyers and real estate professionals an easy and efficient way to determine whether the property taxes for a home are affordable. Restrictions on the ability to obtain this information via the Internet could lead to more misinformed buyers trying to purchase property that they cannot afford.
- Taxation districts do not have other accurate ways to search property tax records – Generally, the public can search property tax records on the Internet in 3 different ways -- 1) by name; 2) by street address; 3) by parcel number. Most people do not have the parcel number in advance so that option is not used frequently. If the public is unable to search property records by the owner's name, the ability to search by property address becomes more important. However, taxation districts are very inconsistent when it comes to providing property addresses. Research conducted by the South Central Wisconsin Multiple Listing Service revealed that some taxing districts (generally in urban areas) do a good job of providing property addresses. For example, the City of Madison does so 100% of the time, while Dodge and Rock Counties do so for approximately 78-79% of the properties. In more rural areas, the results are not as good. For example, Crawford County records only contain street addresses approximately 28% of the time, while Vernon County (30%) and Richland County (31%) are only slightly better.

County	Physical Property Address Included
Dane	Villages 88% Townships 56%
C Madison	100%
Adams	59%
Columbia	46%
Crawford	28%
Dodge	78%
Grant	44%

Green	61%
Iowa	37%
Jefferson	74%
Juneau	46%
Lafayette	39%
Marquette	48%
Monroe	34%
Richland	31%
Rock	79%
Sauk	62%
Vernon	30%
Waushara	53%

If property tax records cannot be searched by the name of the property owner, the public will no longer have an accurate means by which to search property tax records.

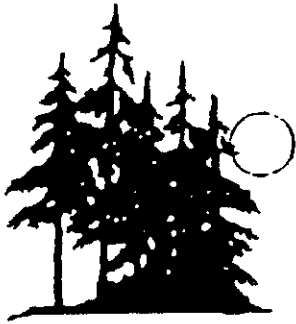
- Searching by property tax address is often problematic -- To locate a parcel by street address, one must know the correct spelling of the road name as it appears on the tax rolls. If a property tax address is not entered into the database accurately, a search by street address is difficult. For example, a property located on "South Shore Drive" could be on the tax rolls in any of the following ways (depending on how it was recorded on the original plat): which makes it difficult to search by street address:

S SHORE DRIVE
SOUTH SHORE DRIVE
SHORE DRIVE SOUTH
SHORE DR
SHORE DRIVE SOUTH
SOUTH SHORE
S SHORE DR

While a member of the public may eventually locate the property, searching property tax records by street address, without using the property owner's name, will make it extremely difficult to locate property tax records in some cases.

- Prohibits Internet access to important land information -- As drafted, AB 349 allows Internet listings to contain only limited information about the property -- amount of property taxes assessed. Other valuable information about the property such as zoning classification, whether property taxes have been paid, and legal description are not authorized to be displayed on the Internet.

If you have any questions, please contact me at (608) 240-8254.



**Sawyer County
Land Records Department**

Sawyer County Courthouse ♦ 10610 Main Street
P.O. Box 248
Hayward, Wisconsin 54843-0248

Telephone 715/634-3564

Fax 715/634-3546

landdir@sawyercountygov.org

21 August 2009

Representative Terese Berceau, Chair
Assembly Committee on Urban and Local Affairs
Wisconsin State Capital
Madison, Wisconsin 53708

Re: Assembly Bill 349

Dear Committee on Urban and Local Affairs:

Sawyer County served its property and assessment data on the County's public portal in February of 2007. Previous to the release of data, and as directed by the County Board, the Courthouse Committee of the Board of Supervisors developed policies for implementation of public access to Sawyer County's land record information. Such policies included: Privacy Policy, Search Methods, Access, Currency of data, and Type of System.

Development of the policies began in June of 2006 and included Public Hearings with public input from Sawyer County property owner's and the professional community within Sawyer County utilizing assessment records who provide services such as real estate firms, attorneys, title insurance companies, surveyors, and financial institutions. Such policies were also developed in accordance with Wisconsin Public Records Law.

As recommended by the Courthouse Committee, the County Board of Supervisors approved the following search methods: by Geocode Parcel Identification Number; Legacy Parcel Identification Number; Owner's Name; Property Site Number Address; and Road Name.

Sawyer County government is the creator and custodian of the electronic property tax and assessment records. Citizen access to real estate tax and assessment records; regardless of format – be it paper or electronic, should not be limited through State statutory exemption.

Attached is the response of the Sawyer County Board of Supervisors to Assembly Bill 349.

Yours truly,

Robyn K. Thake
Land Records Director/LIO

Kris Mayberry, Sawyer County Clerk
P.O. Box 836, Hayward, Wisconsin 54843
email address – county.clerk@sawyercountygov.org
telephone numbers 715.634.4866 and 877.699.4110
fax number 715.634.3666



August 21, 2009

TO WHOM IT MAY CONCERN:

I, Sawyer County Clerk Kris Mayberry, hereby certify the following to be a copy of a draft of a portion of the minutes of the meeting of the Sawyer County Board of Supervisors held August 20, 2009:

Courthouse Committee Chair Dale Schleeter reported that Land Records Department Director Robyn Thake had presented the Committee with information concerning proposed State of Wisconsin 2009 Assembly Bill 349 which provides that internet governmental listings of property tax information may not be searchable, by name, by members of the general public. The Sawyer County Board, in 2007, opposed similar legislation. Motion by Bassett, 2nd by Miller, to approve the Courthouse Committee recommendation that the County Board again opposes the legislation. Motion carried.

A handwritten signature in black ink that reads "Kris Mayberry". The signature is written in a cursive, flowing style.

Kris Mayberry
Sawyer County Clerk

copy: file



wisconsin broadcasters association

The Wisconsin Broadcasters Association fosters and promotes the development of the arts of aural and visual broadcastings in all its forms...

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Vice President - Administration

LINDA BAUN

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WISN-TV, Milwaukee

MIKE O'BRIEN

WCLO/WJVL, Janesville

KELLY RADANDT

Woodward Communications

Appleton/Green Bay

JEFF ROBINSON

WVRQ AM/FM/WPRE/WQPC/WKPO

Viroqua/Prairie du Chien

JILL SOMMERS

WISC-TV/My Madison TV, Madison

NANCY STILLWELL

Madison Media Institute, Madison

CUYANNE TAYLOR

WCBA-TV, Green Bay

JEFF TYLER

Clear Channel Radio, Madison

Rep. Terese Berceau

Assembly Committee of Urban and Local Affairs

Re: AB-349

Aug. 25, 2009

Dear Rep. Berceau and committee members:

The Wisconsin Broadcasters Association would like to go on record as opposed to AB 349. This bill would unnecessarily restrict access to public documents. The public not only has a right to the information included in assessment records, but has an expectation that on issues of taxation especially their right to know should be held preeminent.

Of course there are many professionals who need access to this information to conduct their work: realtors, surveyors, appraisers, and certainly not least – investigative reporters. Local governments have recently spent many public dollars to create the modern land information system. This bill would require perhaps millions of dollars of local spending to go back and reprogram that software.

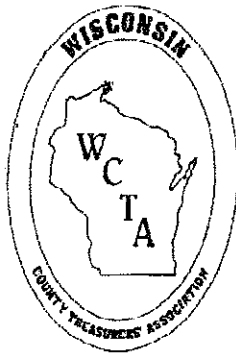
We understand that the motivation of this bill may be to protect some vulnerable individuals from harassment. This is a noble goal. However, there are many other ways to accomplish this goal without destroying one of the basic rights of American citizens – the right to equal taxation. Without access to these records, citizens will not be able to ascertain if there taxes are equitable when compared with their neighbors.

Of course, the records might still be accessible in the local assessor's office. But in the information age, expecting people to go back to old technology is really not realistic.

Thank you for listening to our concerns.

Michelle Vetterkind, CAE

President, Wisconsin Broadcasters Association



Wisconsin County Treasurers' Association

Date: August 25, 2009

To: Members of the Assembly Committee on Urban and Local Affairs

From: Sherri Hawkins, Green County Treasurer, WCTA Legislative Committee Member

Subject: Assembly Bill 349

This is provided for informational purposes only.

The Wisconsin County Treasurers' Association recently polled their members regarding AB349. Members overwhelmingly oppose AB349 and agree that the decision of whether or not municipal websites have the ability to search property tax assessment records by name should remain with the local authority.

Counties are aware of the concerns some citizens have in providing the ability to search such records on the Internet by name. Many counties have enacted certain measures to address those concerns, such as only allowing name searches on a subscription basis. Also, many counties, more than half, already do not allow the public to search property tax assessment records by name on the Internet.

For those counties that allow searching by name on the Internet, a reason for continuing this practice is that, in a time when most taxing jurisdiction are being asked to get along with less, (which usually includes personnel), office staff time is freed from continual assessment questions from both professionals, such as mortgage, credit, financial and title companies, and the curious inquiries of the general public. Allowing searching by name gives staff more time for the day-to-day tasks required by these offices.

This legislation is directed at local governments only. However, the assessment information quite often has been purchased via open records requests from vendors. These vendors are providing the service of searching by name on their own commercial websites, thus defeating the purpose of this legislation.

Again, while many counties already do not allow one to search by name on the Internet, WCTA is overwhelming in favor of allowing counties to make their own decisions, with local control, concerning their websites.

Michael J. Romportl
Land Information Director

Gary Baier
Chair Land Records Committee

Peter Wolk
Land Records Committee Member

David O'Melia
Land Records Committee Member

ONEIDA COUNTY
LAND INFORMATION OFFICE

P.O. Box 400
1 Courthouse Square
Rhineland, Wisconsin 54501-0400
Telephone (715)369-6179
Fax (715) 369-6277
Office E-mail lio@co.oneida.wi.us
Real Property Listing, County Surveyor, Addressing,
GIS

www.co.oneida.wi.us
Quick Link on Land Records System

Frank Greb
Vice Chair Land Records Committee

Denny Thompson
Land Records Committee Member

Representative Terese Berceau
Chair Urban and Local Affairs
Capitol Rm 208 North
PO Box 8952
Madison WI 53708-8952

August 21, 2009

Re: AB 349 Hearing

Dear Representative Berceau:

The Oneida County Board of Supervisors Land Records Committee discussed the impact of proposed Assembly Bill 349 relating to the searchability of a governmental Internet listing of property taxes assessed. The Committee directed us to send a letter to our legislators indicating that Oneida County is opposed to this bill. AB 349 will severely impact free access by the public and the many business entities that rely on accessing our land records data 24/7. Restricting search capabilities will have a negative economic impact on both county and private business operations. The county will experience a substantial increase in phone and onsite visits responding to public requests. Businesses will not be able to readily obtain information before or after courthouse hours and will incur increased travel and time costs in meeting their business obligations or service. In these economic times, the county is looking for cost efficient and convenient ways to serve the public and businesses. This bill is contrary to good public and business service. We respectfully ask that you do not support this bill which is scheduled for a hearing on Tuesday August 25th.

The Oneida County Land records Internet site, which has been authorized by the Oneida County Board of Supervisors, allows searching for information a variety of ways, and 'property owner's name' is commonly used. Our site does not contain renters or tenants name and does not contain social security numbers. It also provides several other land related attributes essential to many business operations. This bill not only restricts listing the property owner name, but it limits listing the attributes of the parcel to property taxes assessed or street address information. This would severely limit the utility of our land records site. The decision as to what can be searched, displayed and accessed should be left up to the individual counties or municipalities.

The general public regularly uses this site to obtain information on their property to apply for permits, check tax status, zoning and many other uses. The private businesses that rely on open and free access to our site include; title companies, realtors, financial institutions, building contractors, utility providers, plumbers, land surveyors, engineers, designers, attorneys, accountants, assessors, appraisers and others. There are also many governmental agencies that use our site such as; towns, cities, villages and many state and federal agencies to administer their programs. Again we respectfully ask that you do not support this bill.

Thank you for taking our point of view under consideration.

Sincerely,

Michael J Romportl
Land Information Director

Thomas Leighton
Register of Deeds



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PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Urban and Local Affairs

FROM: David Callender, Legislative Associate

DATE: August 25, 2009

SUBJECT: Opposition to Assembly Bill 349

The Wisconsin Counties Association (WCA) opposes Assembly Bill 349 (AB 349). Although the Association supports the intent behind this bill, a desire to protect victims of domestic violence and other crimes, WCA shares a number of concerns about the bill that have also been identified by members of the Wisconsin Land Information Officers Association, Real Property Listers Association, and the Register of Deeds Association.

WCA believes that current law, which allows counties to determine what land information is accessible through the Internet, is the most appropriate policy. There is considerable diversity in the availability of this information among counties: 23 of Wisconsin's 72 counties do not allow Internet searches of online land information by name, while 31 counties do, and an additional 5 counties allow residents to opt-out of having their names available online.

In many counties, the decision to allow or not allow Internet searching of this information was arrived at after lengthy consideration and debate. These decisions reflect the sentiments of county leaders, county residents, and users of the local information systems; it would be wrong to try to impose a "one size fits all" approach on these communities.

For those communities that have decided to make this information available online, some estimate that removing this information and making it available only to individuals who seek it through face-to-face or phone transactions would result in additional information technology and staffing costs. While such costs might seem minimal to Legislators, the additional burden on county staffs comes at a time when counties are facing unprecedented budgetary pressures due to increased demands for county services and declining state aids.

Many county officials also have doubts whether the bill would actually provide the privacy intended by the authors. The bill targets only one segment of land information that is available online: by-name searches of assessment records accessible to the "general public". Other land records which provide the same or similar information such as the Register of Deeds' grantor/grantee index would still be available online. If the Committee adopts AB 349, this would provide either a partial measure to protect individuals' identity or it would open the door to the removal of other personal information now available on the Internet.

Another problem that has been identified is that the bill does not define the "general public", which would be barred from searching assessment rolls by name. The bill's author has indicated that such information could still be available online to interested parties willing to pay a fee. This would appear to set up a two-tiered system for access to public documents: those who pay the fee and can still obtain the information online and those who must come to the county offices to obtain it.

To the extent that those who pay for access to the information can still obtain it anonymously, this would appear to reduce the effectiveness of the bill's attempt to provide privacy to certain individuals. It would also appear to undercut recent legislative efforts to make more, not less, land information available to citizens online, such as 2001 Wisconsin Act 16 which established a \$1 fee for recording documents in order to make land records available online.

WCA appreciates the Committee's consideration of this matter. Please contact me if you have any additional questions.